

Application No.: 10/713,697
Attorney Docket: THURM-006A

AMENDMENTS TO THE DRAWINGS

Please replace original Figures 1-2 and 3A with amended "Replacement Sheets" for Figures 1-2 and 3A.

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REMARKS

Summary of the Amendment

Upon entry of the present amendment, Claim 1 will have been amended and Claims 7 and 16 will have been cancelled without prejudice or disclaimer. Accordingly, Claims 1-5 and 8-15 remain currently pending. Moreover, to advance prosecution of the instant application, Claims 6 and 17, directed to the non-elected species, have been cancelled without prejudice or disclaimer and with reservation of rights to refile the subject matter of these claims in one or more continuation applications.

By the present Amendment and Remarks, Applicant believes that Claims 1-5 and 8-15 are allowable, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Summary of the Official Office Action

In the Office Action of April 5, 2005, the drawings and the specification are objected to over formal matters; and Claims 1-5 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over art of record. Additionally, Claim 16 has been identified as having allowable subject matter.

Acknowledgement of Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication that Claim 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

To expedite prosecution of the instant application, Applicant has incorporated all the features of Claim 7 and Claim 16 into base Claim 1. Therefore, Applicant now believes that Claim 1, as well as dependent Claims 2-5 and 8-15, are in condition for allowance, and Applicant therefore respectfully requests an expedited and early indication of allowability.

While Applicant does not acquiesce that the rejection of the Claims 1-5 and 7-15 as set forth by the Examiner in the subject Office Action is proper, the instant amendment has been

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made in order to advance prosecution of the instant application, and with reservation of rights to refile the subject matter of these claims in one or more continuation applications.

Objection to the Drawings

The Examiner has objected to the drawings because Figure 3A for several reasons including:

- a) the hinge elements of the rear frame are not properly illustrated;
- b) the plurality of mounting tabs 114 on the rear tubular frame are inappropriately positioned on the lower tubular members instead of the upper tubular members; and
- c) the open spacing presently shown between the elements 32 and 43 in both Figures 1 and 2.

Furthermore, the drawings are objected to under 37 CFR 1.83(a) because the Examiner contends that the feature in Claim 16 "wherein the generally horizontally oriented common planar platform provides a flat bed platform having no void disposed through the flat bed" must be shown. As best understood, the Examiner submits that Figures 1 and 2 show a transversely extending opening between the decking plates 32 and 34 of the upper platform when the trailer is in its deployed orientation.

Applicant has provided "Replacement Sheets" for Figures 1-2 and Figure 3A pursuant to 37 CFR 1.121(d) which correct all of the above-noted inaccuracies cited by the Examiner. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the drawings and indicate their approval in the next Office Action.

Traversal of Rejection under 35 U.S.C. § 103(a)

Claims 1-5 and 7-15 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of various combinations of references made of record, including LEIB, ALBERT, JOHNSTON, HISS, HARRINGTON and ZENNA. Applicant respectfully traverses all of the Examiner's aforementioned rejections.

However, in order to expedite the prosecution of the instant application, Applicant has incorporated all the limitations from Claim 16 which have been identified as being allowable

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subject matter and the intervening limitations from Claim 7 into base Claim 1. Accordingly, Applicant believes that Claim 1 is now in condition for allowance, and requests to the Examiner to indicate such in the next Office Action.

Furthermore, Applicant submits that dependent Claims 2-5 and 8-15 are allowable at least for the reason that these claim depends from allowable independent Claim 1 and further recite additional features that further define the present invention.

Application is now Allowable

Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability, and respectfully requests the Examiner to indicate allowance of such claims.

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CONCLUSION

Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 112, 102 and 103, and respectfully requests that the Examiner indicate the allowance of such claims.

In view of the foregoing, it is submitted that none of the references of record anticipate or render obvious the Applicant's invention as recited in Claims 1-5 and 8-15. The applied references of record have been discussed and distinguished, while claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

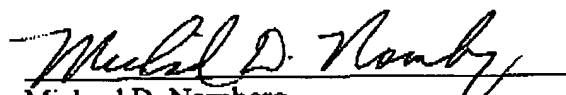
Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein is respectfully requested and now believed to be appropriate.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 5/24/05
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